

BRIAN SANDOVAL
Governor

STATE OF NEVADA



LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

<http://water.nv.gov>

December 5, 2014

NOTICE VACATING HEARING DATE

Granite Peak Properties, L.C.
10450 S. Eastern Avenue, Ste. 100
Henderson, Nevada 89052-4183
Certified Mail
#7106 7808 0630 0057 8400

Laura A. Schroeder, Esq.
Terese Ure, Esq.
Schroeder Law Offices, PC
440 Marsh Ave.
Reno, Nevada 89509
Certified Mail
#7106 7808 0630 0057 8424

Re: Finding of Violation and Violation Order No. 1243

Ladies and Gentlemen:

This matter was set for hearing to show cause to consider the matter of the illegal diversion of groundwater and irrigation outside the legally defined place of use, as found in Violation Order No. 1243 ("the Enforcement Action"). By a Notice of Hearing dated November 12, 2014, the show cause hearing was set to commence on Tuesday, December 16, 2014.

The Finding of Violation and Violation Order No. 1243 have been appealed by Granite Peak Properties, LC to the Seventh Judicial District Court of Nevada, commensurate with the filing of a complaint challenging the constitutionality of certain statutes under which the Violation Order was issued. Although no order staying the proceedings of the State Engineer's Enforcement Action has been entered by the District Court, in the interest of conserving resources necessary to proceed to a show cause hearing, the December 16, 2014, hearing is hereby **VACATED**, and shall be reset to a later date, which may be after the conclusion of the appeal and/or other legal proceedings.

Notice Vacating Hearing Date
December 5, 2014
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Notwithstanding the foregoing, Granite Peak Properties, LC, should take all necessary measures to preserve all records and documents related to its operations during the 2012 and 2013 irrigation seasons for a future show cause hearing, which documents and records may be subject to the subpoena powers of the State Engineer.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kristen Geddes', with a stylized flourish extending to the right.

Kristen Geddes
Chief, Hearing Section

KRG/jm

cc: Jason King, E-mail
Kelvin Hickenbottom, E-mail
Susan Joseph-Taylor, E-mail
Rick Felling, E-mail
Kim Davis, E-mail
Steve Shell, E-mail
Cy Ryan, E-mail
Patty Kaczmarek, E-mail
Sam Monteleone, E-mail
Steve Del Soldato, E-mail
Elko Branch Office, E-mail
Southern Nevada Branch Office, E-mail
Capitol Reporters, E-mail

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November 12, 2014

NOTICE OF HEARING

Joseph Knudson
Granite Peak Properties, LC
10450 S. Eastern Avenue, Ste. 100
Henderson, Nevada 89052-4183
Certified Mail
#7106 7808 0630 0057 5300

Therese A. Ure
Schroeder Law Offices, P.C.
440 Marsh Avenue
Reno, Nevada 89509
Certified Mail
#7106 7808 0630 0057 5317

Re: Finding of Violation and Violation Order No. 1243; AV 88, Permits 63664 through 63691, 83675T through 83678T, and 83923T through 83947T, and Claims of Vested Right V09745 through V09748; Illegal Diversion of Groundwater and Irrigation Outside of Legally Defined Place of Use

Ladies and Gentlemen:

PLEASE TAKE NOTICE pursuant to the authority set forth in Nevada Revised Statutes §§ 533.481 and 534.193 and Nevada Administrative Code § 532.230, the State Engineer hereby sets an administrative hearing to consider the matter of the illegal diversion of groundwater and irrigation outside the legally defined place of use, as found in Violation Order No. 1243.

A Finding of Violation and Violation Order No. 1243 were issued by the State Engineer on October 24, 2014, against Granite Peak Properties, LC (Respondent). The enforcement action under Violation Order No. 1243 includes appearing at a hearing before the State Engineer for the purpose of determining the manner in which the Respondent has acted upon the Finding of Violation and Violation Order No. 1243, and to provide Respondent an opportunity to address why fines and penalties should not be assessed and to determine whether injunctive relief should be sought against Respondent.

Accordingly, the hearing will begin promptly at **9:00 a.m., on Tuesday, December 16, 2014, at the Tahoe Hearing Room, Nevada Division of Water Resources, 901 South Stewart Street, Second Floor, Carson City, Nevada.** Failure to appear at the hearing may result in the State Engineer seeking injunctive relief in court under the provisions of NRS § 534.195 to prevent the continuance of the violation of the terms of the permits and Nevada water law.

As set forth in Nevada Administrative Code § 532.230, the hearing will be reported by a certified court reporter. The court reporter will file an original and one copy of the transcript with the State Engineer. Anyone desiring a copy of the transcript should make arrangements with the court reporter. If an administrative penalty is imposed, the State Engineer may also assess investigation and enforcement costs, including the cost of the hearing transcript, to be borne by the Respondent as set forth in the Nevada Administrative Code § 532.210.

You or your designated representative should plan to attend the hearing for the purposes of presenting evidence or testimony in support of your position concerning the violations. Legal counsel not licensed to practice law in the State of Nevada are required to comply with Supreme Court Rule 42. The Verified Application to Associate form that needs to be filed with the Nevada State Bar can be found on the Nevada Division of Water Resources website, <http://water.nv.gov>, in the "Miscellaneous Forms" section under the "Forms" tab.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the hearing. If special arrangements for the hearing are necessary, please notify the Hearings Section of the Nevada Division of Water Resources, 901 South Stewart, Second Floor, Carson City, Nevada, 89701, or by calling (775) 684-2882.

Sincerely,



Kristen Geddes
Chief, Hearing Section

KRG/jm

cc: Jason King, E-mail
Kelvin Hickenbottom, E-mail
Susan Joseph-Taylor, E-mail
Rick Felling, E-mail
Kim Davis, E-mail
Steve Shell, E-mail
Cy Ryan, E-mail
Patty Kaczmarek, E-mail
Sam Monteleone, E-mail
Steve Del Soldato, E-mail
Elko Branch Office, E-mail
Southern Nevada Branch Office, E-mail
Capitol Reporters, E-mail